

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CHASE BANK USA, N.A.

CIVIL ACTION NO. 1:08cv00121-UNA

Plaintiffs,

Vs.

HESS KENNEDY CHARTERED, LLC.,  
Et al.

Defendants.

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DEFENDANTS MEMORANDUM IN OPPOSITION TO THE PLAINTIFF'S  
REQUEST TO FILE A SUR-REPLY

COMES NOW, the Defendants HESS KENNEDY CHARTERED, LLC.; LAURA L. HESS, LAURA HESS & ASSOCIATES, P.A.; HESS KENNEDY HOLDINGS, LTD.; HESS KENNEDY COMPANY CHARTERED BWI; THE CONSUMERLAW CENTER, LLC.; THE CAMPOS CHARTERED LAW FIRM; JEFF CAMPOS, P.A.; and JEFFREY CAMPOS, by and through undersigned counsel and hereby files this Memorandum in Opposition to Plaintiff's Request to File a Sur-reply and in support thereof sets forth the following:

The rules of this Court quite clearly demonstrate that motion practice permits the filing of a motion by the moving party, then opposition papers by the opponents and then finally a reply by the moving party. That is it.

Now, at this juncture, after the issue has been fully briefed, the Plaintiff raises an issue with this court regarding public filings that Plaintiff believes supports its position

opposing the Defendants' Motion. Despite the fact that these public filings were in existence when the Plaintiff filed its initial papers with this Court, the Plaintiff misleads this Court into believe there is some new evidence that provides a proverbial smoking gun.

However, it is incredibly disingenuous for the Plaintiff to take such position because the Plaintiff fails to advise this court that the court filing it is relying upon as the basis for its request for a sur-reply ( i.e. a filing in a Florida Bar action) is not accurate in that the Plaintiff fails to advise this Court that said filing was thereafter clarified to indicate that in fact the Defendants do not have offices outside the State of Florida. Hence the actual record, if the Plaintiff had made the effort to make sure its representation was accurate, is in fact supportive of the Defendants' position.

For the Plaintiff to use an incomplete document and mislead the Court without then advising the Court that the filing was actually clarified and thereby the complete record actually supports the Defendants is tantamount to hiding evidence from this Court and greatly questions the integrity of the filings by the Plaintiff.

In the event the Court does permit the Plaintiff to proceed with its filing, which has already been done, even though the Court has not yet granted leave, it would subsequently be requested that the Defendants be permitted to file a reply to the sur-reply so that the Court can truly gain a full understanding of the record.

Of interest to the Court should be the fact that the incomplete filings that the Plaintiff now relies upon were actually in existence and in the public record when the Plaintiff filed its initial opposing memorandum and hence, the necessity of their commenting on what clearly is not newly discovered evidence, is nothing more than

gamesmanship to attempt to have the last word and violate the briefing period of this Court.

Whereby, it is hereby requested that this Court deny the motion for leave to amend or in the alternative permit the Defendants to file a reply to the sur-reply.



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Date: May 5, 2008

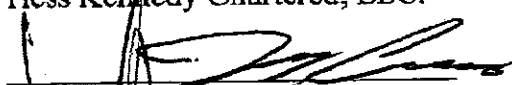
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SWORN TO ACKNOWLEDGEMENT


We the undersigned are Defendants in Federal lawsuits pending outside of the State of Florida. We hereby acknowledge that we have read this motion and it is true

and accurate. I the undersigned have full authority to sign this document which is to be utilized in the aforementioned motion and I make this submission under penalty of perjury.

  
Hess Kennedy Chartered, LLC.

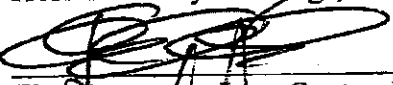
  
The Campos Chartered Law Firm

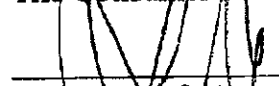
  
Laura L. Hess

  
Hess Kennedy Company Chartered BWI

  
Jeffrey Campos

  
Hess Kennedy Holdings, LTD.

  
The Consumer Law Center, LLC.

  
Laura Hess & Assoc, P.A.

  
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Defendants:

HESS KENNEDY CHARTERED, LLC.; LAURA L. HESS, LAURA HESS & ASSOCIATES, P.A.; HESS KENNEDY HOLDINGS, LTD.; HESS KENNEDY COMPANY CHARTERED BWI; THE CONSUMERLAW CENTER, LLC.; THE CAMPOS CHARTERED LAW FIRM; JEFF CAMPOS, P.A.; and JEFFREY CAMPOS

**CERTIFICATE OF SERVICE**

I, Robert K. Beste, Jr., Esquire, certify that I am not less than 18 years of age, and that service of "Defendants' Memorandum in Opposition to the Plaintiff's Request to File a Sur-Reply," was made electronically and by First-Class Mail, on May 5, 2008, upon the following:

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**/S/ Robert K. Beste, Jr., Esq. (I. D. No. 154)**

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CHARTERED BWI; THE CONSUMER LAW  
CENTER, LLC; THE CAMPOS CHARTERED LAW  
FIRM; JEFF CAMPOS, P.A.; and JEFFREY  
CAMPOS, Defendants